

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

BEAZER HOMES USA, INC.,

Plaintiff,

*- vs. -*

U.S. BANK NATIONAL  
ASSOCIATION and U.S. BANK  
TRUST NATIONAL ASSOCIATION,

Defendants.

Civil Action  
File No. 1:07-CV-2006-JEC

**STIPULATION OF DISMISSAL  
WITHOUT PREJUDICE**

Plaintiff Beazer Homes USA, Inc. and defendants U.S. Bank National Association and U.S. Bank Trust National Association, hereby voluntarily dismiss the above-captioned action without prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. The parties agree that the Court will not award any fees or costs in this action, and that this Stipulation shall not alter, prejudice or otherwise impair any rights of any party pursuant to the terms of the applicable indentures, including without limitation any rights of reimbursement for fees and costs.

Respectfully submitted, this 25<sup>th</sup> day of June 2008,

**/s/Ronan P. Doherty**

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 25, 2008, I electronically filed the foregoing **STIPULATION OF DISMISSAL WITHOUT PREJUDICE** with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record:

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I further certify that I have served by United States Postal Service the document and Notice of Electronic Filing on the following non-CM/ECF participants, as follows:

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